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EXAMINER

CHOW, MING

ART UNIT PAPER NUMBER

2645

DATE MAILED: 09/12/2003

11

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/264,387

Applicant(s)

FOSTER ET AL.

Examiner

Ming Chow

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 June 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 31-42 and 52-55 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 31-42 and 52-55 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

1. Claims 31, 32, 34, 36, 38, 40, 42, 52-55 are rejected under 35 U.S.C. 102(e) as being anticipated by Green (US-PAT-NO: 5,274,695).

For claim 31, regarding an interface connecting the platform directly to the on-site telephone system, Green teaches on item 28 Fig. 1 “control device” (claimed “control platform”), items 22 and 24 Fig. 1 “switches” (the claimed “on-site telephone system”), and item 26 Fig. 1 “switch” (the claimed “remote switching system”). Green teaches on Fig. 1 the interfaces between the control device and the on-site telephone system is the claimed “an interface connecting the platform directly to the on-site telephone system”.

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Regarding “a processor controlling a plurality of operational feature services or control access of the on-site telephone system in response to a plurality of operational commands”, Green teaches on column 6 line 17-22. The caller speaks “call home” (and other speed dialing entries) is the claimed “operational commands”. The caller’s home telephone number is the claimed “operational parameters”. It is inherent that there must be a processor to retrieve the speed dialing number and provide to the switch in order to complete the call.

Regarding “ a speech recognizer.....for which the speaker is authorized”, Green teaches on column 3 line 9-19. The “voice server” of Green is the claimed “speech recognizer”. The “stored utterance” of Green that is used for comparison to the received utterance template is the claimed “an access list”.

Regarding claims 32, 38, 54, Green teaches on column 4 line 42-44. The ‘caller is then prompted preferably by synthetically generated voice” of Green is the claimed “playback of messages. Green teaches on column 4 line 38-41. The “switch transmits the dialed access number to the selected voice server” of Green reads on the claimed “receipt of a command trigger”.

Regarding claims 34 and 40, Green teaches on item 18 Fig. 1 “calling station”. The “calling station” of Green is the claimed “telephone connected to the on-site system”.

For claim 36, regarding a local interface for connecting the platform to at least one of the telephones of the local telephone system, Green teach on Fig. 1 the interface between control

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platform (item 28) and calling station (item 18) via the switch (item 22) is the claimed “local interface”.

Regarding a communications circuit for interfacing the platform to external communications means, Green teaches on column 6 line 17-22. The “voice server” reads on the claimed “control platform”. The “provides the speed dial number to switch” of Green reads on the claimed ‘communications circuit for interfacing the platform to external communications means’. The “switch” of Green is the claimed “external communications means”.

Regarding “a processor.....announcing means for providing predetermined messages to the user”, Green teaches on column 6 line 17-22. The “call home” of Green is the claimed “command”. The “switch which then completes the call” reads on the claimed “a plurality of telephone services”. It is inherent there must be a processor to interconnect the local interface and communications circuit in order to receive command from the user and communication the retrieved number to the switch for completion of the call. The “voice server” of Green reads on the claimed “voice recognizer”. The “voice server retrieves the caller’s home telephone number.....provides the speed dial number to switch” reads on the claimed “generating a plurality of command triggers”.

Regarding “announcing means for providing predetermined messages to the user”, Green teaches on column 4 line 43 “synthetically generated voice”.

Regarding claim 42, Green teaches on column 6 line 17-22. The caller speaks “call home” (and other speed dialing entries) is the claimed “operational commands”. The caller’s home telephone number is the claimed “operational parameters”. It is inherent that there must be

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a processor to retrieve the speed dialing number and provide to the switch in order to complete the call. The “call home” is the claimed “telephone service”. The command trigger is sent through the telephone handset.

Regarding claim 52, all rejections stated in claim 36 apply to claim 52. Regarding “means for determining from the user’s identity the authorization level of the user to enter commands”. Green teaches on column 5 line 62 to column 6 line 22. The caller’s identity is determined by utterance of caller’s social security number. The authorization level is either allowing the caller’s to place the call or denying the caller to place the call.

Regarding claim 53, Green teaches on column 7 line 51-57. The “speak the proper password” of Green is the claimed “command trigger”. The “then.....speak the suffix number.....to identify that specific caller’s voice template for retrieval” of Green reads on the claimed “request a validation code”. The “speed dial feature.....would also be available for authorized callers from station” of Green reads on the claimed “providing access to the platform”.

Regarding claim 55, Green teaches on column 5 line 62 to column 6 line 22. The “caller.....speak his or her social security number” of Green is the claimed “first command trigger”. The first command trigger allows the caller to access outbound telephone services (“toll call” of Green). The “call home” of Green is the claimed “second command trigger”. The

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“provides the speed dialing number to switch which then completes the call accordingly” of Green reads on the claimed “initiating an outbound call”.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 33 and 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Green as applied to claim 31 above, and in view of Stogel (US-PAT-NO: 5,483,579). Green failed to teach the processor is a personal computer. However, Stogel teaches on column 2 line 66 to column 3 line 1 “the system may also be constructed utilizing voice and control processing equipment installed in or connected to a personal computer”. It would have been obvious to one skilled at the time the invention was made to modify Green to have the processor is a personal computer as taught by Stogel such that the modified system of Green would be able to support the personal computer to the system users.

3. Claims 35 and 41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Green as applied to claim 31 above, and in view of Engelbeck et al (US-PAT-NO: 5,452,340). Green failed to teach the plurality of commands includes a command to enter a new directory entry into

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the on-site system. However, Engelbeck et al teach on column 1 line 65-68. The “add a name and corresponding telephone number” reads on the claimed “enter a new directory entry”. It would have been obvious to one skilled at the time the invention was made to modify Green to have the plurality of commands includes a command to enter a new directory entry into the on-site system as taught by Engelbeck et al such that the modified system of Green would be able to support the command to enter a new directory entry to the system users.

4. Claim 37 is rejected under 35 U.S.C. 103(a) as being unpatentable over Green as applied to claim 36 above, and in view of Velius (US-PAT-NO: 5,594,784).

Regarding “controlling the announcing means.....the trigger recognition means”, Green teaches on column 4 line 42-44. The “caller is then prompted” of Green is the claimed “announce the identified caller”. Green teaches on column 4 line 38-41. The “switch transmits the dialed access number to the selected voice server” of Green reads on the claimed “receipt of a command trigger”.

Green failed to teach “processing means further includes means for identifying a caller based on a caller I.D. number in an incoming call received over the communications circuit”. However, Velius teaches on column 9 line 9-15. The caller-ID system determines the caller’s identity and the caller’s name or telephone number may then be audibly produced.

It would have been obvious to one skilled at the time the invention was made to modify Green to have the processing means further includes means for identifying a caller based on a caller I.D. number in an incoming call received over the communications circuit as taught by

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Velius such that the modified system of Green would be able to support the identifying a caller based on a caller I.D. to the system users.

Response to Arguments

5. Applicant's arguments filed on 6/16/03 have been fully considered but they are not persuasive.

- i) Applicant argues, on page 9, regarding the claimed limitation “a processor controlling a plurality of operational feature services or control access of the on-site telephone system”. However, Green teaches on column 4 line 59-62 the “voice server” (of the claimed “control platform”) prompts switch to complete the call (reads on the claimed “processor controlling the control access of the on-site telephone system”. Green also teaches on column 6 line 17-22 operational feature services.
- ii) Applicant indicated on page 2 that the claim 36 is “currently amended”. However, the Examiner found there was no amendment to claim 36.

Conclusion

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THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

6. Any inquiry concerning this application and office action should be directed to the examiner Ming Chow whose telephone number is (703) 305-4817. The examiner can normally be reached on Monday through Friday from 8:30 am to 5 pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang, can be reached on (703) 305-4895. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Customer Service whose telephone number is (703) 306-0377. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

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Or faxed to TC2600's Customer Service FAX Number 703-872-9314.

Patent Examiner

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Ming Chow



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SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600

